

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 13, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE - SDR-34464 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: TOWER REALTY AND DEVELOPMENT, LLC - OWNER: REGAL PLAZA PAD D, LLC - Request for a Major Amendment of a previously approved Site Development Plan Review (SDR-20711) FOR THE ADDITION OF A RESTAURANT WITH DRIVE-THROUGH TO AN EXISTING 5,566 SQUARE-FOOT RETAIL BUILDING WITH A WAIVER OF TITLE 19.12.040(E) UTILITY BOX AND INSTALLATION SCREENING STANDARDS on 8.16 acres at the southeast corner of Craig Road and Jones Boulevard (APN 138-01-312-003), C-1 (Limited Commercial) Zone, Ward 6 (Ross)

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Submitted after Final Agenda – Revised Plan and Supplemental Sheet
8. Submitted after Meeting - Recordation Notice of Council Action and Conditions of Approval

Motion made by KEEN ELLSWORTH to Approve subject to conditions, amending Condition 3 and adding the following condition as read for the record:

3. All development shall be in conformance with the site plan, date stamped 08/12/09, the landscape plan, date stamped 07/24/09, and building elevations, date stamped 05/12/09, except as amended by conditions herein.

A. A revised site plan and landscape plan shall be submitted prior to or at the time of building permit submittal to depict the removal of the parking spaces and the addition of landscaping or plaza area acceptable to the Planning and Development Department.

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Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

KEEN ELLSWORTH, VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL, STEVEN EVANS; (Against-None); (Abstain-GUS FLANGAS); (Did Not Vote-None); (Excused-None)

NOTE: Out of an abundance of caution, COMMISSIONER FLANGAS abstained from voting, as his firm represents one of the owners of the pads in the subject development.

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, stated this application was previously held in abeyance so the applicant could work on site issues. A revised site plan has been submitted depicting the removal of 10 parking spaces at the north end of the parking lot to reduce congestion. In addition, the utility box does not provide adequate screening, and staff could not support the requested waiver as site circulation is not sufficient to support the additional drive-through. Staff recommended denial and if denied, the site will be required to be in compliance with the previously approved site development plan review, building plans and permits. If approved, an added condition would be necessary requiring a revised site plan and landscape plan to be submitted prior to or at the time of issuance of building permits. In addition, Condition 3 would be amended requiring conformance with the site plan, date stamped 8/12/09, landscape plan, date stamped 7/24/09, and building elevations, date stamped 5/12/09.

ATTORNEY TABITHA FIDDYMENT, 3800 Howard Hughes Parkway, appeared with TANYA SMITH, Tower Realty, on behalf of the applicant. ATTORNEY FIDDYMENT addressed staff's concerns regarding the site configuration and public safety, as well as the existing landscaping. A revised site plan was submitted to staff depicting the widening of the existing drive-through. There are also certain curb portions and adjacent parking spaces that would be eliminated, and the trash enclosure would be relocated. Although three feet of area space is required around the utility box, there is only two feet of space that allows for screening. As a result, the waiver is still required, but the applicant will provide adequate screening, such as a trellis with honeysuckle vines, to eliminate views from the abutting streets. With the modifications, she felt that the concerns have been addressed and respectfully requested approval. ATTORNEY FIDDYMENT informed TODD FARLOW that the distance between the corner and the utility box is approximately 12 feet. Although CHAIR TROWBRIDGE confirmed he was able to maneuver his truck slowly through the site, MR. FARLOW was doubtful that the distance was sufficient.

To address COMMISSIONER QUINN'S concern for handicap parking, ATTORNEY FIDDYMENT explained that with the proposed eliminated parking, one handicap parking space was removed; however, there are two remaining and they will be striped and van accessible.

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Although COMMISSIONER ELLSWORTH believed the developer's previous actions were underhanded, he appreciated the proposed modifications being made to assist in meeting the requirements.

COMMISSIONER EVANS noted that what was represented at today's meeting by ATTORNEY FIDDYMENT was substantially represented at his meeting with her. He appreciated the efforts as well in making the development more palatable, particularly the landscaping and trees. In addition, he believed with the reduction in parking spaces, it helps to minimize his concern regarding public safety. In response to the Commissioner's query, ATTORNEY FIDDYMENT confirmed that plastic or cinder block will be added to create a retention between the curbing and the rocks.

CHAIR TROWBRIDGE declared the Public Hearing closed.

